REMARKS

Applicant is in receipt of the Office Action mailed March 28, 2008. Claims 2, 5 and 21 have been cancelled, and claims 1, 3, 6, 11-13, 15-17, 19-20, 22-23, 28, 35, 37-38, 51-54, and 57 have been amended. Claims 1, 3-4, 6-20, and 22-58 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Section 112 Rejections

Claims 51-58 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite, specifically for reciting a memory medium that "comprises" program instructions. Applicant has amended claims 51, 54, and 57 accordingly, referring instead to a computer accessible memory medium that stores program instructions, and respectfully requests removal of the section 112 rejection of claims 51-58.

Claim Amendments

Applicant has amended the claims to clarify the nature of the graphical program, and to emphasize that the communications between the two computers occurs over a network.

Section 103 Rejections

Claims 1-58 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,801,689 ("Huntsman") in view of US 4,901,221 ("Kodosky").

Claim 1 recites:

1. (Currently Amended) A method for executing a graphical program on a first computer and providing a user interface of the graphical program on a second computer, the method comprising:

receiving user input to the second computer, wherein said user input indicates the graphical program on the first computer, wherein the graphical program includes a block diagram that comprises a plurality of interconnected function icons representing graphical

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data flow of a desired function, wherein the first computer and the second computer are connected over a network;

executing the graphical program on the first computer, wherein said executing the graphical program comprises executing the block diagram;

providing information describing the user interface of the graphical program to the second computer during said executing, wherein said providing comprises the first computer providing the information describing the user interface of the graphical program over the network to the second computer; and

displaying the user interface of the graphical program on the second computer after said providing;

wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer.

Nowhere does the cited art disclose **receiving user input to the second computer, wherein said user input specifies the graphical program on the first computer, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function**, as recited in claim 1.

Cited col.9:14-28 discloses a user on a second computer specifying a "starter URL" that includes a named address of a target computer and a filename associated with the target computer. Applicant respectfully submits that the Office Action has incorrectly interpreted the filename as a program for which a (remote) GUI is required. As Huntsman makes clear in col.9:61-col.10:3:

> The server control program 21 on the first computer 19 converts the HTML URL selection to GUI control commands using the hypertext-to-GUI-response means 7, and <u>interpret the associated filename as a selection for the corresponding control according to the coordinated naming convention 5, and programmatically select the control or perform other action</u> as request by the MODE and KEYTEXT variables using the programmatic-GUI-control-execution means 13 of the hypertext-to-GUI-response means 7. (*emphasis added*)

As may be seen, the cited filename is not a program, but instead includes data indicating or encoding a GUI interaction by the user on the second computer, e.g., a button-press, mouse-click, etc., which is then applied to the GUI on the first computer.

The Office Action admits that Huntsman fails to disclose a graphical program, but asserts that Kodosky remedies this admitted deficiency of Huntsman. Applicant respectfully submits that a proper reason to combine Huntsman with Kodosky has not been provided. For example, the reason to combine suggested by the Office Action is to "remotely control a virtual instrument". Applicant respectfully submits that the Examiner has simply described a presumed benefit of Applicant's invention, and notes that neither cited reference mentions or even hints at remotely controlling a virtual instrument. Applicant thus submits that the Examiner has improperly used Applicant's claimed invention as a blueprint for attempting to construct the invention claimed, which is improper, since neither reference provides any motivation or suggestion to combine. Thus, Huntsman and Kodosky are not properly combinable to make a prima facie case of obviousness.

Moreover, even were Huntsman and Kodosky properly combinable, which Applicant argues they are not, the resulting combination would still not produce Applicant's invention as claimed, as explained above.

Thus, for at least the above reasons, the cited art, taken singly or in combination, fails to teach all the features and limitations of claim 1, and so claim 1, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Independent claims 28 and 51 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the above reasons, claims 28 and 51, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art.

For example, nowhere does the cited art disclose **providing information regarding a block diagram of the graphical program, wherein the block diagram**

comprises the plurality of interconnected function icons; and displaying the block diagram on the second computer, using the information regarding the block diagram, as recited in claim 16.

Cited col.9:42-50 (and Huntsman generally) discloses providing information regarding a GUI, and displaying a screenshot of the GUI, and specifically fails to disclose providing information regarding a block diagram of a graphical program, which Applicant notes is graphical program code (i.e., the plurality of interconnected function icons). In fact, Huntsman nowhere discloses providing information regarding any kind of program at all, nor displaying any kind of program on the client system based on the provided information.

The Office Action admits that Huntsman fails to disclose providing information regarding a block diagram of the graphical program, but asserts that Kodosky remedies this admitted deficiency of Huntsman. However, Kodosky nowhere mentions or even hints at providing information regarding a block diagram of a graphical program to a second computer, nor displaying the block diagram on the second computer using the information. Thus, neither reference (nor both together) teaches these features of claim 16.

Additionally, Applicant respectfully submits that a proper reason to combine Huntsman with Kodosky has not been provided. For example, the reason to combine suggested by the Office Action is (again) to "remotely control a virtual instrument", which. Applicant respectfully submits is not germane to displaying a block diagram (graphical source code) on a remote computer, and so would not compel or motivate one of ordinary skill in the art to do so. Nor does Huntsman or Kodosky mention or even hint at remote display of a block diagram or the desirability of doing so.

Thus, Huntsman and Kodosky are not properly combinable to make a prima facie case of obviousness.

Moreover, even were Huntsman and Kodosky properly combinable, which Applicant argues they are not, the resulting combination would still not produce Applicant's invention as claimed, as explained above.

Thus, for at least the above reasons, the cited art, taken singly or in combination, fails to teach all the features and limitations of claim 16, and so claim 16, and those

claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Dependent claims 38 and 57 include limitations similar to those of claim 16, and so relevant portions of the above arguments apply with equal force to these claims. Thus, for at least the above reasons, claims 38 and 57, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Removal of the section 103 rejection of claims 1-58 is earnestly requested.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-38605/JCH.

Also filed herewith are the following items:

☐ Request for Continued Examination
☐ Terminal Disclaimer
☐ Power of Attorney By Assignee and Revocation of Previous Powers
☐ Notice of Change of Address
☐ Other:

Respectfully submitted,

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